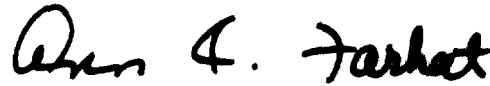


676, 684 (1979), *aff'd*, *Washington Ass'n for Television and Children v. FCC*, 665 F.2d 1264 (D.C. Cir. 1981).

CONCLUSION

For the foregoing reasons, joint petitioners Vanity International and Genesis Two, Inc. request the Common Carrier Bureau of the Federal Communications Commission, pursuant to delegated authority, to take immediate action **no later than** 12:01 a.m. on March 1, 1996 and issue an *ex parte* Order, directing Data Services Management, Inc. to place on the appropriate replication table, thereby rendering "unavailable," the toll free number 888-256-7766 and all subscriber numbers listed at Attachment B1 and B2 to Exhibit 1 hereto, which joint petitioners were entitled to replicate but were wrongfully denied such protection, and to take any other *ex parte* action consistent with joint petitioners requests herein, and consistent with the policies and rules of the Bureau in adopting, establishing and implementing the 888 toll free service.

Respectfully submitted,



Ann C. Farhat

Bechtel & Cole Chartered
1901 L Street, N.W.
Suite 250
Washington, D.C. 20036
202/833-4190

Counsel for Vanity International
and Genesis Two, Inc.

February 29, 1996

Exhibit 1

**DECLARATION OF LOREN STOCKER
for VANITY INTERNATIONAL
and Affiliated Companies**

Loren C. Stocker, Managing Partner of Vanity International, hereby submits declaration under penalty of perjury as follows.

Vanity™ International is the world's premier vanity design and consulting firm. We specialize in strategic marketing through the creation, acquisition, and application of vanity numbers, typically vanity 800 numbers. I am the founder of Vanity International and sole owner of three affiliated companies that use 800 vanity numbers.

I've made extraordinary, personal effort to enter replication requests for the 888 versions of our affiliated company's 800 numbers but now have dozens of numbers that were mishandled either by the our RespOrgs or DSMI. Apparently, communication between the RespOrgs and DSMI broke down and these numbers failed to be marked as "unavailable," as requested. A Summary of Events is listed below with details following:

SUMMARY OF EVENTS

Note: All dates following are between November 1995 and February 1996.

Nov 1-15	Submitted Comments and Reply Comments on Docket 95-155.
Dec 29	AT&T-- Initial Submission
Jan 5	CWC-- Initial Submission
Jan 11	First suspected that the Jan 12th "second pass" deadline may be the <u>final</u> deadline.
Jan 12	Learned that even the authors of recent articles on 888 numbers were unaware of the SNAC proposed Jan 12th replication deadline.
Jan 12	Allnet/Frontier-- Initial Requests.
Jan 12	AT&T-- Additional Requests.
Jan 12	U.S. Sprint Submission
Jan 12	MCI-- Initial Submission.
Jan 12- 18	Researched situation and confirmed that the January 12, 1996 was a SNAC proposed deadline, still pending FCC approval.
Jan 18	Sent Exparte Comments to FCC via Fed-X
Jan 25	Got word on the extension of 888 replication requests through Feb 1.
Jan 26	Faxed announcement of February 1, 1996 replication deadline and February 10, 1996 888 pre-reservations date to all existing clients.
Jan 29	AT&T calls about pre-reservations launch, Feb 10.
Jan 31	Submitted final requests to Allnet at 7:19 am
Jan 31	Submitted final requests to MCI at 10:15 am

Cont...

Jan 31 Submitted final requests to CWC at 11:02 am
 Jan 31 Submitted final requests to AT&T at 3:02 p.m.
 Jan 31 Allnet reportedly enters requests but would only confirm verbally
 Jan 31 Learned of internal AT&T deadline of Jan 30
 Jan 31 Learned of internal CWC deadline of Jan 30
 Jan 31 Called the FCC regarding the February 1, 1996 deadline and was told that they were leaving this interpretation to DSMI.
 Feb 1 Called DSMI and confirmed that they would accept submission sent Feb 1.
 Feb 1 Conference call with AT&T communicated DSMI's position on the February 1, 1996 deadline.
 Feb 1 CWC successfully entered requests and confirmed verbally
 Feb 1 MCI successfully entered requests and confirmed verbally
 Feb 1 AT&T refused to enter requests but does not advise me of this until late the next day. They suggested that they would help get them back for me.
 Feb 9 Called Mr. Brad Beal of AT&T to discuss launch situation.
 Feb 10 12 midnight, I call AT&T, explain the situation, and ask that some of my most vital numbers be secured immediately.
 Feb 12 We discover AT&T failed to take any action
 Feb 12 I discover that key numbers are on reserve by others
 Feb 12 I realized that Sprint/DSMI failed to execute our January 12, 1996 request, despite the fact that the deadline was extended until February 1, 1996.
 Feb 12 I discuss with Bard Beal of AT&T and he reports that his efforts were overruled and my requests for 888 numbers will go in-line with everyone else. To this date, I know of no effort made by AT&T to help.
 Feb 12- 19 I asked Allnet, Ameritech and CWC to help recover some of the numbers AT&T failed to protect.
 Feb 19 I discover that Allnet failed to protect one specific number
 Feb 21 I further discovered that Allnet and DSMI failed to protect all of the numbers on one specific account.
 Feb 21 I advised Allnet of the seriousness of this matter.
 Feb 23 I confirmed that no mechanism exists to correct carrier screw-ups.
 Feb 26 Our 888 number unprotected by Sprint now shows "working" status, but Allnet may have unilaterally activated.

Nov 1-15-- Submitted Comments and Reply Comments on Docket 95-155. By this time I was aware that the FCC was soliciting input from the RespOrgs on vanity numbers, but understood this to be primarily market research to access the "Scope of Vanity Numbers," from my reading of Docket 95-155 (IV, D-2, Paragraph No. 40). I offered an **estimate** that working vanity numbers represented approximately 17.5% of all 800 numbers, or about 1.3 million in my reply comments (see *Comments of Vanity International* and *Reply Comments of Vanity International*).

Concurrently, I knew first hand that only our large clients were being contacted by their RespOrgs and asked to submit requests for 888 replications, as well as new 888 numbers. At the time, I assumed that smaller users would be polled in due course, or put on notice

that they had some period of time to contact their RespOrg to enter requests for vanity replication. I understood it to make no difference whether a request was the first or last to be collected; replication means priority over any and all reservations. So, I had no cause for concern and no knowledge of any deadlines.

Dec 29-- AT&T-- Initial Submission. By late December my AT&T account representative, Sharon Renfro, had heard about 888 requests and mentioned it during one of our conversations. Sharon was unaware of any firm deadline but said to me, "You'd better get this in right away." She faxed me copies of the form entitled, "Request to AT&T for 888 Number Reservations(s)" on December 29, 1995. Despite the fact that the AT&T form stated nothing explicit about "replication," it was the same form used successfully to enter replication requests for our large AT&T clients. We accepted its validity.

We entered replication requests for several of our affiliated company's most vital 800 numbers within the next few days. Still, we trusted that we had time to review our accounts and enter additional requests between now and the planned activation date. We had heard of no final deadline and the activation date was still tentative.

It is essential to point out that Sharon's comments were completely self-motivated and much appreciated, but off-hand; I had called her on another matter. No one at AT&T communicated any information whatsoever about the opportunity and ensuing deadlines to replicate 888 versions of 800 numbers.

January 5-- CWC-- Initial Submission. Doug Vlasak, our account rep from Cable & Wireless (CWC), was the only RespOrg agent to approach us. We submitted a form pre-dated December 15, although I received it and filled it out in early January. As of this date, we had read the December 15, 1995 letter from Michael Wade (DSMI) to Kathy Levitz (FCC) and understood this to be the "next round" or "second pass." I trusted that if and when a final deadline was scheduled, it would be well publicized. Further, with this one exception, our carriers had yet to serve us notice of this opportunity.

Jan 11-- First suspected that the Jan 12th "second pass" deadline may be the final deadline. We first got word of the January 24th launch date at 5:20 p.m., January 11, 1996 from industry consultant Judith Oppenheimer (*Attachment A1*). Concurrently, the Crowles/SIMBA News Wire article by Lynn Jones was the first public announcement of the January 24, 1996 launch to my knowledge (*Attachment A2*). Putting two and two together, I at once suspected that this "second pass" must, in fact, be the *only* pass left. Suddenly, the "second pass deadline" took on new meaning! I later learned that an industry meeting had been scheduled for the day before, January 10, 1996.

Jan 12 -- Learned that even the authors of recent articles on 888 numbers were unaware of the SNAC proposed Jan 12th replication deadline. This included Lynn Jones of Crowles Direct News Wire, who wrote the Jan 12, 1996 News Wire, and Ken Libeskind of the DMNews who authored several articles on 888 numbers. Lynn Jones'

news wire mentioned only the January 24, 1996 pre-reservations and not the January 12, 1996 deadline. When I spoke with her this day, she was unaware of the replication request deadline.

Ken Libeskind was unaware of either deadline and had just published an article January 8, 1996 which included a statement from Karen Way, an AT&T spokeswoman. She stated that, "The industry wants a 45-day per-reservation period before the new code starts to reserve 888 numbers and handle competing requests for the same numbers. That period must begin in mid-January to permit the March 1 introductions." Clearly, this pre-reservation launch schedule was tentative at the time of the article. Replication deadlines had never been mentioned in this or any other article I am aware of.

Further, I contacted all of our carriers and discovered that some were not even taking requests and most were dispelling misleading and inaccurate information (see *Exparte Comments of Vanity International* under, "Personal Effort") We simply did not have time with such short notice to organize our final submissions and force the issue with those carriers who had no mechanism in place to accept our requests.

Jan 12 -- Allnet/Frontier-- Initial Requests. We attempted to submit replication requests, but were told "the FCC hadn't ruled yet" and that no mechanism was in place to take requests. No one at Allnet/Frontier ever polled us for our protection requests or communicated any specific deadlines regarding the replication of 800 numbers.

Jan 12 -- AT&T-- Additional Requests. We attempted to submit additional 800 numbers for replication. We were told that AT&T was "filing in order of receipt," but understood that they were not entering the data into the SMS database. This was confirmed in writing the following Monday, at my request (*Attachment A3*). In terms of replication, I believed a manual filing to be pointless. No one at AT&T communicated any specific deadlines regarding the replications of 800 numbers, although we had submitted some of our 800 numbers for 888 replication around December 29, 1996. We simply did not have time on such short notice to organize our final submissions and force the issue.

This parallels the experience of Mr. Richard Zorn of 800-Tickets. His AT&T rep, Dan Knox, said that the forms were being "filed internally" and that they were "waiting for further instructions from H.Q.," meaning AT&T head quarters (see both *Attachment A4* and *Exparte Comments of Vanity International* under, "Case of 1-800-Tickets").

Jan 12 -- U.S. Sprint Submission. Explicit, verbal request for 888 replication of one of my 800 fax lines was given to Jeanne Baker in customer service on January 12, 1996 around mid day. She was not immediately clear on what I was asking for and I stated, "This is not a request for a new number. I'm asking you to protect the 888 version of the 800 number I have with you (i.e., Sprint). Do you understand?" Jeanne indicated that she then understood what I was asking. I went on to say that, "Time is of the essence and today (January 12, 1996) is the deadline. We must get this in today." She hadn't heard of any deadline, but agreed that she would attend to this at once.

Jeanne returned a written confirmation dated January 12, 1996, at my request, on Monday, January 15, 1996 in the form of "Request for Toll-Free Number" (*Attachment A5 and A6*). This Sprint form had no mention of "replication," but neither did the AT&T form which I knew to be valid. No one at Sprint ever polled us for our protection requests or communicated any specific deadlines regarding the replications of 800 numbers.

Jan 12 -- MCI-- Initial Submission. We verbally submitted several prime 800 numbers for replication, but had no idea if they, in fact, would be transmitted to DSMI. No one at MCI ever polled us for our protection requests or communicated any specific deadlines regarding the replication of 800 numbers.

Jan 12- 18-- Researched situation and confirmed that the January 12, 1996 was a SNAC proposed deadline, still pending FCC approval. I learned that 800 assignment levels had held around the 90% level and that we would "not run out until June," during a phone conversation with Michael Wade, president of DSMI. He had communicated this fact to the FCC within the last few days. Mr. Wade also explained that the FCC had yet to grant final approval on the January 24, 1996 launch plan, but that his staff was ready to go. I gathered that "the industry" had taken unilateral action to cut off replication requests and that the entire SNAC proposal was pending approval.

Jan 18-- Sent Exparte Comments to FCC via Fed-X. I asked that the FCC require "the industry" to abandon the January 24, 1996 launch plan and reopen replication requests to the unsuspecting, uninformed public. I asked that the RespOrgs be required to advise all subscribers of their opportunity to replicate -- not just their biggest customers -- and recommended that the new deadlines allow ample time for users to (a) be put on notice, (b) submit their requests, (c) change to carriers, if necessary to protect their interests, and (d) confirm accuracy of submission (See *Exparte Comments of Vanity International* for further details).

Jan 25-- Got word on the extension of 888 replication requests through Feb 1, 1996. Once we learned that the FCC had reopened replication, we took urgent action as we, and others, were only afforded a brief 5 day window to enter requests. Clearly there was no time to switch carriers if our present carriers were uncooperative, or confirm the accuracy of our submissions. I was astonished that the FCC allowed "the industry" to push this timetable forward in view of Mr. Wade's findings. However, we were pleased to have even this brief opportunity to protect the vital interests of our clients and affiliated companies.

Despite the reopening of the SMS database for replication requests, not one of our existing carriers advised us of this new deadline and only AT&T advised us of the February 10 launch date. We spent several days organizing our submissions and advising our existing clients of this "last chance" opportunity. All of our RespOrg contacts were unilateral, as we were "polled" by no one.

Jan 26-- Faxed announcement of February 1, 1996 replication deadline and February 10, 1996 888 pre-reservations date to all existing clients. Further, I faxed a press release to several major publications in hopes that they might provide some publicity and alert unsuspecting 800 users across America. Press releases went to Business Week, Crain's Chicago Business, The New York Times, The Chicago Tribune, The Chicago Sun Times, The Wall Street Journal, The Washington Post, The USA Today and others. To my knowledge, none of these publications covered this urgent matter. Clearly, this information would have been more warmly received had a press release come from AT&T, MCI, or Sprint.

Jan 29-- AT&T calls about pre-reservations launch, Feb 10. Sharon Renfro, my AT&T account rep, took it upon herself to leave me a voice message regarding 888 reservations beginning February 10. There was no mention of the new 888 replication request deadline and, as I later discovered, Sharon had no knowledge of the new FCC deadline or even that AT&T was again taking replication requests. Apparently, AT&T management chose to disseminate only some of the information contained in the January 25, 1996 Common Carrier Bureau memo that reopened replication.

We were neither notified by AT&T of our right to enter requests nor of any FCC or internal AT&T deadlines. We relied entirely on the January 25, 1996 Common Carrier Bureau memo (Report No. DC 96-3), of which we obtained a copy.

Jan 31-- Submitted final requests to Allnet at 7:19 am, MCI at 10:15 am, CWC at 11:02 am, and AT&T at 3:02 pm. All were initiated by a faxed written directives (see *Attachment A7* for fax log) and followed up by phone calls to confirm receipt. Each request referenced the relevant section of the Common Carrier Bureau memo stating the February 1, 1996 deadline. All were received by someone within each organization who took the initiative to follow-up on my request.

Each directive included a request for written confirmation of (1) "Receipt of this request and, once entered," (2) "Confirmation that each and every number was correctly keyed into the database, accepted by DSMI, and afforded protection." We further stated that "accuracy is of the essence" and that we must rely on the carrier as we would not be able to confirm accuracy prior to the FCC deadline of February 1, 1996 (see *Attachment A8* for a sample directive).

Jan 31-- Allnet/Frontier reportedly enters requests but would only confirm verbally. My conversation was with Carrigan Gatewood, 800 Product Manager, who called early in the day to confirm receipt of our faxed directives. She questioned why I was requesting replications, but agreed to submit my requests. When asked for confirmation in writing she stated, "If I confirmed everything in writing I wouldn't get anything done around here." I trusted that our Allnet requests were in capable hands and went on to other urgent matters.

Jan 31-- Learned of internal AT&T deadline of Jan 30. Sharon Renfro of AT&T received our directive on January 31, 1996. She called back to say that she had looked into this and that AT&T's internal deadline had passed the day earlier, Jan 30, 1996. I told Sharon I had "no idea of any other deadline," and needed to check into this.

Jan 31-- Learned of internal CWC deadline of Jan 30. Ms. Melissa Strickland, 800 specialist, received our directive and advised me that the Cable & Wireless' internal deadline was Jan 30, 1996 and that she had already submitted their requests. No longer surprised, I accessed that the problem was that the replication requests were submitted via diskette and shipped overnight. The RespOrgs had assumed that DSMI was to have requests *in-hand* by February 1, 1996, so they backed out 2 days for the typing and shipping. The 5 day window had now become 3!

Jan 31-- Called the FCC regarding the February 1, 1996 deadline and was told that they were leaving this interpretation to DSMI. I spoke with Irene Flannery of the FCC and explained the situation, specifically that we submitted our requests January 31, 1996 but that some RespOrgs were not accepting them due to their interpretation of the deadline. She checked into this and advised me that the FCC would defer this matter over to DSMI.

Feb 1-- Called DSMI and confirmed they would accept submission sent Feb 1. Mr. Anil Petel spoke for DSMI and allowed me to refer his name to the RespOrgs for confirmation. I believe he, too, spoke with the FCC to confirm that DSMI had authority to decide this matter. The language read, "pass these requests onto DSMI no later than 11:59pm., eastern standard time, February 1, 1996." Mr. Petel's interpreted this to mean that the RespOrgs needed only to Fed-x or postmark their requests by the deadline, not have them *in hand* by then. In my conversations with Mr. Petel I also confirmed that DSMI had no authority to accept my requests directly. I, therefore, had no other option but to rely on my current RespOrgs for the submission. Further, the submittals had to be in an industry defined format for which I had no model.

Feb 1-- Conference call with AT&T communicated DSMI's position on the deadline, as relayed by Mr. Anil Petal. AT&T still had time, at this point in the day, to prepare our submission. Mr. Beal confirmed the FCC deadline directly with Mr. Anil Patel, but advised me that only Jonnie Bond of their Cleveland office could put the submittal in the required format. They were waiting for her to call. Having no word by 5:03 p.m. eastern, I faxed a note to Ms. Jonnie Bond c/o Sharon Renfro stated that we have two choices, (1) confirm the submission or (2) write a letter acknowledging my request, stating the reasons AT&T is unable to comply, and state AT&T's willingness to submit after the deadline if allowed by DSMI (see *Attachment A9*).

Feb 1-- CWC successfully entered requests and confirmed verbally. This was a supplemental submission, as they had already send a diskette Jan 31, 1996. Subsequently, I've checked several of the numbers and, thus far, have found no inaccuracies.

Feb 1-- MCI successfully entered requests and confirmed verbally. This was done via an electronic submission planned for late evening February 1, 1996. I was, however, astonished to learn that no one in their 800 customer service group, including Nancy Lingl and Jodie Bequette, seemed to know nothing about this process. It took a series of phone calls to explain my needs until, finally, I had an after-hours voice message that my numbers were being included that night's transmission to DSMI. Subsequently, I've checked several of the numbers and, thus far, have found no inaccuracies.

Feb 1-- AT&T refused to enter requests. Despite the personal efforts of Ms. Sharon Renfro and Mr. Brad Beal, AT&T 800 specialist Ms. Jonnie Bond refused to communicate our January 31, 1996 requests to DSMI claiming that we entered our request after their internal deadline, January 30, 1996, of which I was never advised. I was unaware of the outcome until late the next day, February 2, 1996. At that point, Mr. Beal suggested that he could only help me get the numbers back on February 10, 1996. I asked Mr. Beal to write a letter summarizing the events that transpired (*Attachment A10*), as I had not had so much as a message from Ms. Jonnie Bond.

Feb 9-- Called Mr. Brad Beal to discuss launch situation. Mr. Beal knew of no recourse other than attempt to secure the numbers at the launch. Mr. Beal wrote a note to AT&T's 800 reservations group asking that our 888 requests be placed at the front of the list. He left early, however, and I was unable to reach him to discuss details, despite repeated calls to his direct line.

Feb 10-- 12 midnight, I call AT&T, explain the situation, and ask that some of my most vital numbers be secured immediately. The customer service representative said she could only pass my requests along.

Feb 12-- We discover AT&T failed to take any action. Having checked several of our numbers, we noted that those requested were still not reserved and other numbers were on-reserve by various carriers.

Feb 12-- I discover that key numbers are on reserve by others. This included one of the AT&T numbers I specifically requested Saturday night and the Sprint number that, up until now, I had assumed was protected. Our unprotected Sprint number was on-reserve by Allnet.

Feb 12-- I realized that Sprint/DSMI failed to execute our January 12, 1996 request, despite the fact that the deadline was extended until February 1, 1996. Since the number was on reserve by others, I didn't call Sprint; it was already out of their control.

Feb 12-- I discuss with Brad Beal of AT&T and he reports that his efforts were overruled and my requests for 888 numbers must go to the end of the line like everyone else. I was afforded no priority despite the sequence of events that led to our AT&T numbers being unprotected.

Feb 12- 19-- I asked Allnet, Ameritech and CWC help recover some of the numbers AT&T failed to protect. To this date, I know of no effort made by AT&T to help.

Feb 19-- I discovered that Allnet and DSMI failed to protect one of our numbers

Feb 21-- I further discovered that Allnet and DSMI failed to protect all of the numbers on one specific account. Dozens of numbers were left unprotected by this error.

Feb 21-- I advised Allnet of the seriousness of this matter. In my discussions with Elaine Wright on another matter, I advised her that none of the numbers on our one account were protected. I told her this was a serious matter and asked her to pass this on to Carrigan Gatewood, the 800 specialist who processed our requests. No one called me back and I was unable to call them during the next two days.

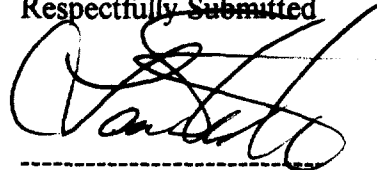
Feb 23-- Confirmed that no mechanism exists to correct carrier screw-ups. Mr. Anil Petel explained that DSMI would do anything they are asked to do, but there is currently no way to correct RespOrg or DSMI mistakes.

Feb 26-- Our 888 number unprotected by Sprint now shows "working" status, but Allnet may have unilaterally activated. We don't know what Allnet communicated to the customer who, presumably, reserved our number-- the number that Sprint failed to protect. We do know for a fact that Allnet took unilateral action to activate several new, unrelated 888 numbers we had them reserve for us, and probably did the same with others. We found this odd, although we have no objection to our new 888 numbers working next week. However, if our unprotected number can not be reclaimed because it is now in "working" status, Allnet should first be suspected of taking unilateral action without customer directives. They certainly did so here.

Based on the forgoing declaration I request that the FCC direct DSMI to reclaim the attached list (*Attachment B1 and B2*) of 888 numbers and mark them as "unavailable," as requested. These should have been just as "unavailable" on February 10, 1996 as, say, 888-356-9377, 888-265-5328, and 888-225-5288 (i.e., 888-Flowers, 888-Collect, and 888-Call-ATT), pending FCC ruling.

Vanity International
2020 Lincoln Park West
Suite 16J
Chicago, IL 60614
(312) 871-6565 Voice
(312) 871-3291 Fax

Respectfully Submitted



Loren C. Stocker

2/26/96

Interactive CallBrandTM

Bridging the Gap Between Marketing & Telecom

160 East 26th Street, PH6E

New York, NY 10010

(phone) 212 684-7210

(fax) 212 684-2714

(email) Producer@pipeline.com

January 11, 1996

FLASH MEMO

I spoke with Mike Wade from DSMI today.

Those 800 replications requests that the Resp Orgs submitted as Y factor files - and the second pass numbers for which tomorrow is the deadline - are to be coded as "not available" for the general 888 release, and early reservation process - which starts January 24.

Resp Orgs were notified by written report on January 5 of which of their submissions were accepted - and which were not. Could have been rejected for coding error, whatever.

There is obviously plenty of room for Resp Orgs "discretion", and for those number submissions that didn't get in on the first pass to fall thru the cracks. There is no reporting processing between DSMI and users - only DSMI and Resp Orgs.

I advise that you call your Resp Orgs tomorrow and request a written copy of reports pertaining to your numbers.

Keep in mind, these numbers are coded for set-aside, but not for assignment to you - not until mandated by the FCC rulemaking. Mike spoke with Mary DeLuca/FCC yesterday. She said she knows the rulemaking is a top priority, acknowledged that its front burner and she's "working on it." Gave no indication of when the rulemaking is to be released.



Attachment A1

800-NUMBER REPLICATION DEADLINE NEARS

By Lynn Jones

Time is running out for direct marketers to reserve the 888 equivalent of their toll-free 800-number.

On Jan. 24, Database Service Management Inc., the Piscataway, NJ-based company designated by the Federal Communications Commission to manage the country's 800-number database, will begin filling requests for new 888 numbers.

At the same time, the Federal Communications Commission was reported to be preparing a rulemaking on the entire 800-number replication issue, but those reports could not be confirmed at deadline. Meanwhile companies have apparently started the 800-number replication process in the absence of any clear regulations.

The new 888 toll-free number was announced late last year when industry officials determined that available 800-numbers would be depleted by early 1996. The introduction of 888 adds more than 7 million toll-free numbers to the till.

But the new three-digit code does not come problem-free. "Businesses who have not been advised about and guided through the replication process by their carrier are losing out on an unprecedented opportunity to protect their interest," said Judith Oppenheimer, president of telemarketing consultancy Interactive CallBrand, New York.

Companies that do not replicate, Oppenheimer noted, run the risk of having to pay for misdials from people who intended to dial an 888 number but dialed an 800 number by mistake. Also, a company's reputation is at risk if consumers mistake a number to be that of a more well-known company.

To date, long distance carriers and other companies that reserve phone numbers known as RespOrgs (Responsible Organizations) have asked DSMI to replicate or set aside roughly 219,000 888-number equivalents.

*Jan 12, New Wire
off AOL, Jan 11th
America On-line*



1-15-96

FAX SHEETFROM: *Sharon Renfro*AT&T
Commercial Markets**FAX # 1-800-242-8316**

OFFICE # 1-800-222-0400

ext. 3570

TO: *Loren Stocker*FAX # *312-871-3291*# PAGES 1**MESSAGE:**

AT&T is currently only taking requests for the 888 numbers, they are filled according to the date they are received. There is not a guarantee on obtaining the 888 request as of yet 1-15-96. But when the FCC gives authorization, the requests will be confirmed.

Thank you for using AT&T! ☺

JAN-12-1996 15:52

888-842-5387 Request

3154423665

RECEIVED BY DAN KNOX AT+T 1-12-96

FORWARDED TO 800 800 TICKETS INTERNATIONAL, INC.

1000 River Road, Suite 1013, Edgewater, NJ 07020 USA
Phone: 201-224-2040 Fax: 201-224-2027

SPECIALIST MIKE DEGENNARO

AND FILED INTERNALLY WAITING FOR FURTHER INSTRUCT
FROM H.Q.

Any QUESTIONS

FAX TRANSMITTAL

PLEASE CALL 800-523-7907 - EXT 4230

DATE:

1/12/96

Dan Knox

FROM:

RICHARD ZORN

1-12-96

TO:

DAN KNOX

ATTN:

TOTAL PAGES:

TWO

REMARKS:

FORWARD/FILE/IN CHARGE
AND CONFIRM TO ME AT:

201 224-2040

THANK

Attachment A4



FAX COVER LETTER

DATE 1-12-96

COVER SHEET PLUS _____ PAGES

FAX TO:

COMPANY: Hiend SystemsATTN: Loen Stocker

LOCATION: _____

FAX NUMBER: (312) 871 3291 CONTACT NUMBER: () _____

FROM:

NAME: Jeanne BakerLOCATION: 800 GOLD STREET, CHANDLER CENTRAL CENTER - WEST
1429 E. ROCKELLE BLVD., IRVING, TX 76099

CONTACT #: _____

FAX NUMBERS: 800-243-2274 OR 214-606-1078

COMMENTS: _____



REQUEST FOR TOLL FREE NUMBER

I understand and agree that the Toll Free service number(s) reserved for me is/are at my request and for my convenience and that although Sprint Communications Company L.P., a Delaware Limited Partnership (Sprint), will endeavor to provide this/these specific number(s) to me, it has neither guaranteed the specific number(s) itself/themselves, nor a specific time at which my Toll Free service will be installed and/or operable.

I further understand and agree that any use of this/these number(s) before my service is fully installed, operable and before final credit approval is granted is at my own risk and I hereby hold Sprint harmless from any and all liability resulting from my advertisement or other use of this/these number(s) prior to such installation, operability, and credit approval.

Moreover, I understand and agree that the barter, resale or trade of an Toll Free number reserved for or assigned to me is unauthorized and agree not to barter, resale or trade my Toll Free number.

TOLL FREE NUMBER

888 624 6,286

TOLL FREE NUMBER

CUSTOMER SIGNATURE _____ **PRINT NAME** _____

COMPANY NAME Hi-end Systems

ADDRESS1: 2020 N Lincoln Park W Apt

ADDRESS 2: _____

CITY: Chicago ST: IL ZIP: 60614

PRIMARY CONTACT: _____ PHONE: (____) _____

SECONDARY CONTACT: _____ PHONE: (____) _____

SALES REPRESENTATIVE USE:

SALES REP: _____ SSN: _____

SALES REP PHONE: () - - - - -

ORDER CONTACT: _____ PHONE: (____) _____

ORDER ADMINISTRATION USE:

ENTERED BY: _____ DATE: _____

Date	Time	Action	Status	Count	Result	Recipient
Jan 30, 1996	11:41pm	Send	Fine	2	Complete	Ameritech Wisconsin
Jan 31, 1996	12:10am	Send	Fine	1	Complete	Harry Olsen
Jan 31, 1996	7:19am	Send	Fine	5	Complete	Allnet/Frontier Marketi
Jan 31, 1996	7:25am	Send	Fine	5	Complete	Allnet/Frontier Marketi
Jan 31, 1996	10:15am	Send	Fine	5	Complete	MCI-- Customer Relation
Jan 31, 1996	10:34am	Send	Fine	1	Complete	Mark D. Olson
Jan 31, 1996	11:02am	Send	Fine	6	Complete	CWC-- Customer Service
Jan 31, 1996	12:18pm	Recv	Std	1	Complete	818 331 1111
Jan 31, 1996	1:13pm	Recv	Std	3	Complete	614 766 7830
Jan 31, 1996	1:17pm	Send	Fine	2	Complete	AT&T-- Wisconsin
Jan 31, 1996	1:20pm	Send	Fine	2	Complete	WEPCO
Jan 31, 1996	1:32pm	Send	Fine	3	Complete	Allnet-- Select Service
Jan 31, 1996	3:02pm	Send	Fine	5	Complete	AT&T Sales
Jan 31, 1996	4:22pm	Send	Fine	4	Complete	AT&T Sales
Jan 31, 1996	5:07pm	Send	Fine	1	Complete	ATT-- Customer Assistan
Jan 31, 1996	6:44pm	Send	Fine	2	Complete	Zorn Communications
Jan 31, 1996	8:44pm	Recv	Std	1	Complete	VIA FAX
Jan 31, 1996	9:27pm	Send	Std	2	Complete	Mark D. Olson
Jan 31, 1996	11:14pm	Send	Std	2	Complete	Mark D. Olson
Feb 1, 1996	12:01am	Send	Fine	2	Complete	AT&T Sales
Feb 1, 1996	8:55am	Send	Fine	3	Complete	Gottlieb & Associates
Feb 1, 1996	12:49pm	Send	Fine	6	Complete	CWC-- Customer Service
Feb 1, 1996	1:47pm	Send	Fine	6	Complete	CWC-- Customer Service
Feb 1, 1996	1:52pm	Send	Fine	5	Complete	MCI-- JODIE BEQUETTE
Feb 1, 1996	2:24pm	Send	Fine	4	Complete	MCI-- JODIE BEQUETTE
Feb 1, 1996	2:29pm	Send	Fine	4	Complete	MCI-- Customer Relation
Feb 1, 1996	2:36pm	Send	Fine	2	Complete	Zorn Communications
Feb 1, 1996	4:01pm	Send	Std	1	Complete	CWC-- Customer Service
Feb 1, 1996	4:02pm	Send	Std	1	Complete	MCI-- Customer Relation
Feb 1, 1996	4:03pm	Send	Std	1	Complete	MCI-- JODIE BEQUETTE
Feb 1, 1996	4:06pm	Send	Std	1	Complete	AT&T Sales
Feb 1, 1996	8:57pm	Send	Std	2	Complete	Interactive CallBrand (

Fax Log Printed Feb 1

Attn: Ms. Jonnie Bond
c/o Sharon Renfro

Re: Replication request

3/16
2/1/76

Thank you all again for all your efforts. At this point, we have two choice:

- * If you're able to submit, please confirm that you've done so.
- * If not, please write a letter stating the following:
 - Recipt of my request yesterday
 - Reason you are unable to comply
 - Willingness to submit early next week, if granted permission to do by DSMI; and that you have no objection to us doing on our own by seperate submission (I realize that is against the "rules").

The key here is that WE made the deadline, but logistic got in the way. Perhaps, DSMI will add our requests given the circumstances.

I now have to leave the office. Please fax reply to 312-871-3291.

Best Regards,

Loren

January 30, 1996

To: MCI Customer Relations
Re: Replication Request
Corporate ID #

Following is a list of 800 numbers we would like you to protect. I apologize that this is in your hands with less than 2 business days to go until the FCC deadline, but as you may realize no one at MCI had ever informed us of this process.

As our agent and RespOrg for the attached list of 800 numbers, we hereby request that you enter "**protection requests**" for the 888 version of each of these 800 numbers into the national SMS/800 database. This action will mark the 888 version of these numbers as "unavailable," pending the FCC decision on replication. Given that the deadline for such action is Thursday, February 1, 1996 per REPORT NO. DC 96-3 (applicable section follows), we request that you enter these at once.

This request for protection is a matter of vital interest to our firm and we require that you send full, written confirmation of:

- (1) Receipt of this request and, once entered,**
- (2) Confirmation that each and every numbers was correctly keyed into the database, accepted by DSML, and afforded protection.**

We understand, of course, that the FCC has yet to rule on whether we will be afforded right of first refusal and, if so, whether there will be a cost. Further, we understand that MCI can not guarantee that the outcome of said ruling will be in favor or replication. We only ask that you protect our interests pending this decision.

We plan to doubled check the status of these 888 numbers by independent means, but will not be able to do this prior to the FCC deadline of February 1, 1996. **Accuracy is of the essence.** Please ensure that these requests are entered correctly and that any mistakes are uncovered and corrected at once.

Please fax confirmations to our office at 312-871-3291 as soon as they are available.



Feb 19 1995

Loren Stocker
HI End Systems
2000 N. Racine
Chicago IL 60614

Dear Mr. Stocker:

This letter is to clarify the chain of events regarding your 800 numbers and the repression of the 888 vanity numbers. On Monday Jan 29th 1996 Sharon Renfro "an AT&T customer service rep" left a voice mail message for Loren Stocker stating that the most recent information regarding 888 numbers is that the reservations would begin in February but would not be issued to customers till March 1.

Mr. Stocker faxed a me a cover memo and a list of 888 requests on 1-31-96 along with a clipping stating the FCC deadline for 888 requests was to be 02-1-96 at 11:59 p.m. Sharon then delivered the list to John Formal who is our 800 specialist. John stated that the AT&T deadline for repression requests was 1-30-96.

Sharon Renfro then called Mr. Stocker to explain the situation with her supervisor Brad Beal on the line with her. Mr. Stocker provided us with the name of Mr. Patel at DSMI to contact in an effort to reserve the numbers after the AT&T deadline but before the F.C.C. deadline.

Upon calling Mr. Patel he explained that he could not process the numbers unless they were formatted on a special spread sheet. Mr. Patel also explained to Mr. Stocker and Mr. Beal that DSMI would accept the replication requests so long as they were sent by the deadline of 02-01-96. This spreadsheet could be produced by Johnnie in our Cleveland office. Mr. Beal called Johnnie and left her a voice mail message explaining our situation. Johnnie called back at approximately 4:00 p.m. to explain that AT&T could not send out the order for the 888 numbers because of the legal stipulations which we may incur from processing the requests after our deadline.

At this point in time AT&T has made an effort to reserve the lost 888 numbers for Mr. Stocker however this action will not guarantee that the numbers will be reserved for his business.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bradley D. Beal".

Bradley D. Beal

cc: Sharon Renfro

ALLNET/FRONTIER

233 -6463

233 -8783

353 -5835

353 -9772

385 -5266

385 -5538

426 -8725

434 -8626

463 -6869

463 -9426

465 -8967

536 -6927

568 -3233

583 -8426

642 -7683

646 -4353

664 -6785

667 -9343

732 -8774

735 -3774

787 -3725

794 -7724

843 -3655

868 -2634

878 -3233

924 -8673

924 -8673

932 -7328

933 -6312

SPRINT

624 -6286

AT&T

286 -7688
368 -6973
438 -7378
552 -6222
632 -7639
646 -4636
774 -2353
932 -4626
947 -2667

245 -5262
247 -7245
365 -8624
367 -4467

466 -2297
494 -4832
826 -4895
843 -4622

233 -7296
241 -7499
243 -7328
243 -7742
273 -9296
334 -4443
367 -6394
732 -5767
732 -5768

244 -3732
438 -4825
463 -9426
586 -4532
438 -7446
726 -8274
772 -2336
826 -4893

223 6463
742 -8363
746 -6346
872 -4792
928 -3786

Exhibit 2

DECLARATION

Robert H. Tate, declares under penalty of perjury as follows:

1. I am President and the owner of Genesis Two, Inc. ("Genesis"), an Oregon corporation, with offices located at 1089 Medford Center, Suite 247, Medford, Oregon 97504.

2. Genesis owns and operates a cut flowers and gift delivery business under the name of 1-800-BLOSSOM, serving customers on a nationwide (all 50 states and the District of Columbia) and international basis. In contemplation of commencing its flower delivery business, Genesis purchased the number 800-256-7766 (800-BLOSSOM) from a Louisiana tire company, paying several thousand dollars for the number to be assigned to Genesis, in addition to other start-up costs for the business. Genesis commenced its 800-BLOSSOM flower business on September 1, 1995. Genesis has filed with the United States Patent and Trademark Office, an application for registration of the mark 800-BLOSSOM and an intent-to-use application for registration of the mark 888-BLOSSOM. Both applications are pending.

3. In early December 1995, I contacted Sprint with the intention of transferring the 800-BLOSSOM account to them and to obtain an additional 800 number. The 800-BLOSSOM account carrier was LDDS, the carrier originally selected by the tire company. Unhappy with LDDS' inattentiveness to my prior calls inquiring about pricing for dedicated service and caller ID services for 800 numbers, I contacted Sprint. In requesting a new 800 number, I was informed by the Sprint representative that there was a moratorium on the issuance of new 800 numbers but that in 1996 Sprint would be